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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,137	12/11/2003	Rick Baggenstoss	07117.105017	8268
20786 7590 01/03/2008 KING & SPALDING LLP 1180 PEACHTREE STREET ATLANTA, GA 30309-3521			EXAMINER AL AUBAIDI, RASHA S	
			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			01/03/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/733,137		BAGGENSTOSS ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Rasha S. AL-Aubaidi		2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 January 1948.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

1. This in response to amendment filed 05/15/2007. Claims 46-48 have been added. No claims have been canceled. Claims 1-4, 19, 31, 39 and 43 have been amended. Claims 1-46 are still pending in this application.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koehler et al. (US PAT # 6,914,975) in view of McCormack (US PAT # 6,754,331).

Regarding claims 1, Koehler teaches a computer-based method for managing delivering performance interventions to agents in a contact center (see col. 2, lines 21-25) comprising: assigning a first priority to a first performance intervention and a second priority to a second performance intervention (this basically reads on the scenario of assigning a threshold to determine the lowest level of performance and the highest level of performance. Normally if the performance dropped below the lowest acceptable level, then training is required to improve the quality of the call center, see col. 1, lines 26-30); comparing the sate of the contact center to a state level (reads on the acceptable level of performance to the contact center), and responsive to the comparing step, if the sate of the contact center is below the state level, delivering the first performance intervention (this reads on providing a training to an agent in the event of poor performance, see col. 1, lines 27-29.)

Koehler does not specifically teach determining a state of the contact center.

However, McCormack teaches that a supervisor require information about agent performance in a call center. Based on the performance of agents in the call center supervisor will assign agents for training (see col. 1, lines 6-8, lines 43-45 and lines 61-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of determining the sate of the

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contact center (which reads on the performance of the call center), as taught by McCormack, into the Koehler system, in order to enhance the efficiency of the call center by providing a better customer service.

Claims 19-20, 25-27, 29-31, 33-35, 38-39 and 40-48 are rejected for the same reasons as discussed above with respect to claim 1. The claimed feature of "identifying a time-sensitive for delivery" is obvious and well known. Obviously one can schedule the training to be delivered at any time desired. As explained above, the first performance reads on the "the low performance". Thus, it is extremely obvious to assign high priority and/or deliver the training to the lowest performance. As, for claim 46, the claimed feature of "operating within or outside a range of state" reads nothing more than assigning training when needed. This of course will be determined based on the expected and acceptable level of performance of the call center overall.

Regarding claim 2, limitations, see McCormack (col. 2, lines 28-55).

Regarding claims 3, 5, 7 and 24, McCormack teaches determining the state of the contact center comprises determining a performance of the contact center (see col. 1, lines 43-45). The claimed "forecasting" feature is old and well known in the art.

Claim 4 recites "the step of determining the state of the contact center comprises monitoring contact volume and handle time". See McCormack Fig. 3A and Fig. 4.

Regarding claims 6, 28, 32 and 37, McCormack teaches the step of determining the state of the contact center comprises determining at least one of a service level, an abandonment rate, a hold time, and a call volume (see Fig. 4 for example).

The limitations of claim 8 are obvious and well known in the art. One obviously can determine the performance at any desired interval time such as hourly, daily or weekly.

Regarding claims 9-10 and 21, McCormack teaches receiving the state from a component of the contact center (this reads on providing the performance information from the call center server as shown in Fig. 2 to the supervisor, see col. 1, lines 43-67).

For claims 11 and 22, the claimed feature of "delivering training in advance of a target completion time" is obvious. Obviously one can schedule the training to be delivered at any desired time for completing the training.

Claims 12-15 are rejected for the same reasons as discussed above with respect to claim 1. Also, the claim limitations are obvious and well known in the art. One normally would provide training to the agent with the lowest performance in order to

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improve his/her skills.

Claims 16 and 17-18 limitations are obvious and well known in the art.

***Response to Arguments***

4. Applicant's arguments filed 05/15/2007 have been fully considered but they are not persuasive.

Regarding claim 46, applicant argues (page 12 of the remarks) "Koehler and McCormack do not disclose, teach or suggest determining that delivery of one training content is more pressing than delivery of another training content". First of all, claim 46, teaches nothing more than assigning training when needed. This of course will be determined based on the expected and acceptable level of performance of agents within the call center specifically and the performance of the call center overall. Second, it is logical that each agent has his own performance level. Some agents performance, skills and knowledge are lower or than other agent. Thus, the priority should be assigned to training and enhance the skills of agents who need an improvement not to the agents that have high performance level. Also, the claimed feature of "operating within or outside a range of sate" reads on assigning training when needed. This feature will be determined based on the acceptable level of performance of the call center.

Also, for Applicant's argument (page 14 of the Remarks) "the Applicants have not been able to locate in Koehler the disclosure that the Examiner alleges is present in that reference, specifically, that and assigning a threshold to determine lowest and highest performance ...etc". the examiner would like to clarify to Applicant that Koehler reference is mainly directed to interactive computer-based training (see col. 1, lines 7-11). So many section throughout the reference refers to the importance of assigning traing to agent in order to improve their performance (such as col. 1, lines 24-50, col. 2, lines 21-26, lines 49-50). Of course, providing trainings cannot be done randomly. Training should be given when needed. Thus, it is inherent if it is not obvious in Koehler to assign some sort of level that measure and determine the performance level. In the event of having this level (which the examiner reads as he threshold) dropped below the acceptable performance, trainings will be provided.

Regarding Applicant's argument for claim 31, "identifying a time-sensitive for delivery", this limitation is obvious and well known in the art. Obviously, one can schedule the training to be delivered at any time desired.

The examiner believes that all other arguments are already addressed in the above rejection.

### ***Conclusion***



5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Rasha S. Al-Aubaidi', with a stylized flourish at the end.

RASHA S. AL-AUBAIDI  
PATENT EXAMINER

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**07/06/2007**